

APPEAL NO. 041005
FILED JUNE 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 31, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability beginning on October 9, 2003, and continuing through the date of the hearing. The appellant (carrier) appealed on sufficiency of the evidence grounds. The appeal file does not contain a response from the claimant.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires that the Appeals Panel consider the record developed at the hearing. The record of the hearing was recorded on a single audiocassette tape. The audiocassette tape is blank; therefore we are unable to review the entire record. Accordingly, we must remand for reconstruction of the record.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge